

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SUSAN GILNER,
Appellant,
v.
LINDA LICALSI, et al.,
Appellees

No. C-07-0960 MMC

**ORDER DIRECTING APPELLANT TO
SHOW CAUSE WHY APPEAL SHOULD
NOT BE DISMISSED; VACATING
STATUS CONFERENCE**

By order filed May 21, 2007, the Court continued the status conference in the above-titled bankruptcy appeal to June 15, 2007, and ordered appellant to file, no later than June 8, 2007, a statement detailing all efforts she has taken to designate the record on appeal.

On June 8, 2007, the parties filed a stipulation, requesting that the status conference be continued in light of appellant's having to attend a June 15, 2007 preliminary hearing in a criminal case in which she is a defendant. On June 8, 2007, the parties also filed a Joint Case Management Statement, in which appellant failed to identify any effort she has taken to designate the record.¹

The sole purpose of conducting a status conference in this case is to determine why the record is not before this Court. (See Notice of Filing of Bankruptcy Appeal and Order

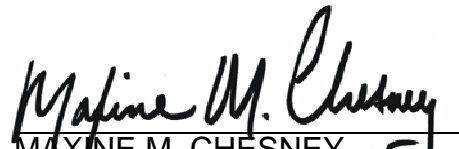
¹Appellees state therein they "may file a motion to dismiss the appeal for failure to prosecute the appeal," (see Joint Case Management Conference Statement at IV); appellant offered no statement in response.

1 Setting Status Conference, filed February 15, 2007) (providing status conference “will stand
2 vacated upon the filing in this Court of the record on appeal, at which time a briefing
3 schedule will issue”). Given that the record is still not before this Court, and appellant’s
4 failure to file, in violation of this Court’s order of May 21, 2007, a status statement detailing
5 the efforts she has taken to designate the record, the Court hereby ORDERS APPELLANT
6 TO SHOW CAUSE, in writing no later than June 29, 2007, why her appeal should not be
7 dismissed for failure to prosecute. See, e.g., Fed. R. Bankr. P. 8006 (providing appellant
8 must designate record ten court days after filing notice of appeal). If appellant fails to file a
9 timely response, the instant appeal will be dismissed for failure to prosecute.

10 Further, in light of appellant’s conflict on June 15, 2007, the status conference
11 scheduled for June 15, 2007 is hereby VACATED. The conference will be rescheduled, if
12 necessary, in the event appellant has shown good cause exists not to dismiss the appeal.

13 **IT IS SO ORDERED.**

14
15 Dated: June 12, 2007


MAXINE M. CHESNEY
United States District Judge